

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
September 18, 2014**

Members present:

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Member; Joseph Urbanski, Associate Member; Janice Swanson, Associate Member

Regular Meeting:

Mr. Foster opened the regular meeting at 7:07 p.m.

Roll called. Bills signed. Mr. Foster advised that in accordance with the Open Meeting Law he was announcing publicly that he and the secretary were making an audio recording of the meeting. LakeCam was making a video recording.

Mr. Foster noted that Mr. Beneski had stepped down from the Zoning Board leaving a vacancy that they could now vote one of their Associate members into. He had spoken to Mr. Urbanski and Ms. Swanson concerning this. It was his understanding that Mr. Urbanski had the most seniority, and he was also interested in becoming a full member. Mr. Foster noted that this would be the time to promote Mr. Olivieri from Associate Clerk to Clerk if he was interested in that position. He was also going to ask Ms. Garbitt to consult Town Counsel as to whether it would be appropriate for Ms. Swanson, an Associate Member, to be the Associate Clerk. He felt with her in the Town Hall it would be a real convenience when it was necessary for papers to be signed.

Mr. Foster then stated, with the Board's approval he would like to send a letter to Mr. Beneski expressing their gratitude for all that he had contributed during his many years on the Board. Mr. Foster then continued that as Mr. Urbanski had indicated that he would like to move up they would need to make this recommendation to the Board of Selectmen who would then formally appoint him. He asked if they supported both of these recommendations. All Board members were in favor.

Mr. Curtis then made a motion, seconded by Mr. Urbanski, to elect Mr. Olivieri to the position of Clerk. The **vote** was **unanimous for**.

Mr. Curtis made a motion, seconded by Mr. Urbanski, to approve the Minutes of the July 17, 2014, meeting.

VOTE: Mr. Foster, Mr. Curtis, Mr. Urbanski, – **AYE**
Mr. Olivieri, Ms. Swanson – **ABSTAIN**

Mr. Olivieri made a motion, seconded by Mr. Curtis, to approve the Minutes of the August 21, 2014, meeting. The **vote was unanimous for.**

Mr. Foster noted that there were some fall workshops available if members were interested in attending. Ms. Swanson stated that she would like to attend one. Mr. Foster advised that they were being offered in several different locations.

Marzelli hearing-continued, 7 Pine Bluff:

Mr. Foster opened the continued Marzelli hearing at 7:15. He advised that the Board had asked Mr. Marzelli to consider shifting the location of his proposed garage and returning with a new plan. Mr. Marzelli advised that had been done as requested and the garage had been reoriented to conform to the side setback of his house. He submitted the new plan which was dated August 25, 2014, and showed the setback at 17.6 feet from the property line. This makes it 15 feet from the travel way in the back but this reorientation will require him to remove an oak tree. This is an 80 foot tree with a canopy that dominates the area. He will also have to remove a 35 foot maple tree. He felt that this would have a significant impact on the area as far as the rainwater and the flooding in that area was concerned. Mr. Marzelli stated that he then had a compromise plan drawn up. This plan will move the garage in a southerly direction and make it 14 feet from the property line and 17.4 feet from the travel way. This plan will allow for him to leave the oak and possibly the maple.

Mr. Foster said that he had not noticed last month when they looked at the plan that the set back of the neighbor's house on the right to the common property line looked to be only about seven feet. Mr. Marzelli replied that was correct. Mr. Foster then discussed the safety concern associated with this petition. He did not feel that would be an issue as traffic would not be traveling at a high speed in that area. Mr. Marzelli replied that the concern would still be with the view being obstructed.

Mr. Foster asked what members thought about the revised plans. Mr. Olivieri said that he was fine with the original plan. He would also be in favor of the compromise plan. Ms. Swanson agreed. The neighbors were not opposed to the original plan and it was also less detrimental to the neighborhood. She would support either the original plan or the compromise plan. She also wondered if the trees were taken down if that would create an additional water issue. Mr. Curtis felt that even with the compromise plan the oak tree would probably have to come down.

Mr. Twing, the abutter on the left side of the property, stated that he was in support of the original plan. Mr. Olivieri then noted that if there was not a stop sign and people just continue, this could be more of a safety issue if this building is closer to that V. Mr. Foster advised that they would first have to decide which plan they supported before they could approve a Special Permit. He personally liked Revision #2, which was the compromise plan. Mr. Urbanski was also in favor of Revision #2. Members then continued to discuss if this would cause a visibility and safety issue in that area.

Members then began to discuss the original plan. Mr. Marzelli said that was still his preference among all the plans. Mr. Olivieri also preferred the original plan. Mr. Foster said that from a Zoning standpoint Revision #1 is the best plan. Revision #2 is still better than the original plan but he noted that he would not vote against the original plan even though Revision #2 was his preference. Mr. Curtis said that his preference would be with Revision #1 as it matched the setback but he understood the other circumstances with the trees and he would not be opposed to Revision #2.

Mr. Foster asked Mr. Marzelli if there were any other disadvantages to the Revision #2 plan or it was just the uncertainty of one of the trees. Mr. Marzelli replied that in the original plan there is a national depression where the garage was proposed. As he moves up the hill and away from that depression, he will have to cut that out. Members also discussed the driveway and the impervious coverage. Ms. Swanson noted that Mr. Marzelli could have put up this garage without even coming before them and instead had put in a tremendous amount of time and effort to please the neighbors as well as the Board. She supported the original plan and felt that she should have stated that opinion at the first meeting. Her second choice would be Revision #2. Mr. Urbanski said that if the safety issue was off the table he would also support the original plan. Mr. Foster said if there was no further discussion he would ask for a motion in support of the original plan.

Mr. Olivieri then made the motion, seconded by Ms. Swanson to grant a Special Permit for the original plan submitted with the petition. The **vote** was **unanimous for**.

Mr. Foster then explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:54.

Mr. Foster adjourned the meeting at 7:55.